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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1033-SS00402	
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		First Named Inventor Alicia Marie Russell	
		Art Unit 2687	Examiner SHEDRICK, Charles Terrell
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,342</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34 Registration number if acting under 37 CFR 1.34 _____		<u>[Signature]</u> Signature <u>Jeffrey G. Tolcr</u> Typed or printed name <u>512-327-5515</u> Telephone number <u>April 10, 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Alicia Marie Russell

Title: SYSTEM AND METHOD FOR FORWARDING WIRELESS
COMMUNICATIONS

App. No.: 10/668,617

Filed: September 23, 2003

Examiner: SHEDRICK, Charles Terrell

Group Art Unit: 2687

Atty. Dkt. No.: 1033-SS00402

Confirmation No.: 1505

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS IN SUPPORT OF
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In response to the Final Office Action mailed on January 10, 2006 (hereinafter, "the Final Action"), and pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, the Applicant requests review of the following issues:

1. Claims 1-7, 9-15, 17, 20-25, 27-34, and 36 Are Allowable over Holloway

Applicant traverses the rejection of claims 1-7, 9-15, 17, 20-25, 27-34, and 36 under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2003/0092451 ("Holloway") at page 2 of the Final Office Action.

Holloway discloses a mobile phone 230 equipped to receive signals in the frequency of transmitter 220. *See Holloway*, p. 2, paragraph 0017. Holloway discloses that the mobile phone sends an overhead message to a cellular system requesting forwarding of calls to a preferred phone when within range of a transmitter 220. *See Holloway*, p. 2, paragraph 17.

Holloway discloses that the ability to override the transfer of calls can be programmed into a button on the mobile phone 230 for use, for instance, when another person is using the preferred phone and the mobile phone user does not want to miss a call. *See Holloway*, p. 2, paragraph 0021. However, the button for overriding the call forwarding of Holloway is not a call forward selection based on a value received from the wireless beacon.

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<u>Emma L. Meyer</u>	<u>Emma L. Meyer</u>
Typed or Printed Name	Signature

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In contrast to Holloway, independent claim 1 recites a communication interface to selectively send a call forwarding message to a cellular switch based on an evaluation of a value received from the wireless beacon. Independent claim 3 recites selectively sending a call forwarding message to a wide area switch having a communication path targeted to the mobile telephone based on an evaluation of a value received from the wireless beacon. Holloway fails to disclose or suggest selectively sending a call forwarding message based on an evaluation of a value received from the wireless beacon, as recited in claims 1 and 3.

Holloway further fails to disclose or suggest the specific combination of claim 13. While Holloway discloses that the mobile phone 230 is equipped to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal meant for it (*See Holloway*, p. 2, paragraph 0017), Holloway provides no explanation of what is meant by "recognize a signal meant for it." Thus, Holloway fails to disclose receiving at a wireless mobile communication device an identifier from a source over a first wireless connection, as recited by independent claim 13. Moreover, Holloway also fails to disclose or suggest, when the identifier comprises a recognized identifier, communicating to a wireless switch a request to forward voice communications to the wireless mobile communications device to an alternate communication device other than the wireless communication device in response to receiving the identifier, as recited by claim 13.

Holloway also fails to disclose or suggest a second control module to provide a request to provide communications requests to the wireless communication device, as recited by claim 27. Holloway discloses a mobile phone including first circuitry to communicate vocally through a wireless transmission system, second circuitry to communication with a low power transmitter, and third circuitry to recognize reception of transmissions from the low power transmitter and to forward calls to a designated phone number. *See Holloway*, p. 3, claims 1, 4 and 5. However, Holloway fails to disclose a second control module to provide a request to provide communication requests to the wireless communication device and a first control module to forward incoming communication request to an alternate device, as recited by claim 27.

Holloway also fails to disclose a wireless beacon device associated with a wireline telephone and configured to communicate with the wireless telephone using a proximal wireless protocol when the wireless telephone is within a wireless beacon coverage area, where a call forward module of the wireless telephone is configured to selectively send a call forward

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message using the wide area wireless protocol when the wireless telephone is within the wireless beacon coverage area and when the wireless beacon device is recognized by the wireless telephone, as recited by claim 32. Holloway fails to disclose that the wireless beacon device is recognized by the wireless telephone. Thus, claim 32 is allowable over Holloway.

Holloway also fails to disclose or suggest a wireless communication interface to provide a unique identification, where the unique identification allows the wireless mobile device to selectively associate an alternate network destination address for receipt of external communication while the wireless mobile device is within the wireless beacon coverage area and when the unique identification matches an expected value, as recited by claim 36. While Holloway discloses that the mobile phone 230 is equipped to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal meant for it (*See Holloway*, p. 2, paragraph 0017), Holloway provides no explanation of what is meant by "recognize a signal meant for it." Holloway fails to disclose or suggest a unique identification that allows the wireless mobile device to selectively associate to an alternate network destination address when the unique identification matches an expected value, as recited by claim 36.

Thus, Holloway fails to disclose or suggest at least one element of each of the independent claims 1, 3, 13, 27, 32, and 36, and of each of the claims 2, 4-7, 9-12, 14, 15, 17, 20-25, 28-31, 33, and 34, at least by virtue of their dependency from one of claims 1, 3, 13, 27, 32 and 36. Therefore, the rejection of claims 1-7, 9-15, 17, 20-25, 27-34, and 36 should be withdrawn.

2. Claims 8, 16, 18, 19 and 35 Are Allowable over Holloway in View of Official Notice

Applicant traverses the rejection of claims 8, 16, 18, 19 and 35 under 35 U.S.C. §103(a) over Holloway in view of Official Notice, at pages 11-15 of the Final Office Action. The Official Notice is taken only with respect to the types of wireless protocols. However, claims 8, 16, 18, 19, and 35 depend from allowable independent claims 3, 13, and 32, respectively. Applicant submits that the Official Notice does not overcome the deficiencies in Holloway relative to the independent claims 3, 13, and 32, as previously discussed. Thus, the combination of Holloway and the Official Notice fails to disclose at least one element of each of the claims 8, 16, 18, 19, and 35, at least by virtue of their dependency from one of the allowable independent claims 3, 13, and 32. The rejection of claims 8, 16, 18, 19 and 35 should be withdrawn.

3. Claim 26 Is Allowable over Holloway in View of Bosik

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Applicant traverses the rejection of claim 26 under 35 U.S.C. §103(a) over Holloway in view of U.S. Patent No. 6,856,806 ("Bosik") at page 15 of the Final Office Action. The Final Office Action cites Bosik as disclosing "a method wherein the user action (i.e. responding to voice prompt with 'yes' or 'no') is a voice request." See *Final Office Action*, p. 15.

The cited text of Bosik refers to a call forwarding initiation, allowing a user to set up a call forwarding selection by responding to voice prompts after the user dials a number provided by the service provider. See *Bosik*, col. 5, line 50-col. 6, line 7. The automatic call forwarding of Holloway is technically inconsistent with the user-initiated call forwarding of Bosik. Moreover, Holloway and Bosik provide no suggestion or motivation to make the asserted combination, which is an improper hindsight reconstruction based on the Application.

Additionally, in contrast to Bosik, claim 26 recites determining to withdraw the request to forward voice communication requests, wherein the request is withdrawn in response to a user action, wherein the user action is a voice request. The combination of Holloway and Bosik fails to disclose or suggest withdrawing the request to forward voice communication requests in response to a user action, wherein the user action is a voice request, as recited in claim 26. Therefore, the asserted combination of Holloway and Bosik fails to disclose or suggest at least one element of claim 26 and claim 26 is therefore allowable.

4. Claim 37 Is Allowable over Holloway in view of Chow

Applicant traverses the rejection of claim 37 under §103(a) over Holloway in view of U.S. Pat. No. 6,574,470 ("Chow") at pages 15-16 of the Final Office Action. Chow is cited as disclosing "a Digital verification color code" to identify when a requested mobile unit is on a particular traffic channel. See Office Action, p. 16 and see Chow, Col. 37, lines 55-60.

Chow discloses a mobile station that assumes the characteristics of a desktop phone. See Chow, Col. 15, lines 30-47. Chow discloses that when a call arrives at the subscriber's desktop phone 109, if the user does not answer, the switch uses AIN triggers to request additional routing instructions from the network server platform 106, which locates the subscriber's mobile station 101 and directs a logical digital switch 104 to forward the call to a voice access port 103 that is servicing the subscriber's mobile station. See Chow, Col. 16, lines 15-26. However, Chow makes no mention of a wireless mobile device to selectively associate an alternative network destination address for receipt of external communication while the wireless mobile device is within the wireless beacon coverage area and when the unique identification matches an

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expected value, as recited by independent claim 36 from which claim 37 depends. Instead, the network server platform 106 of Chow locates the subscriber's mobile station 101 and directs the switch to forward the call to the voice access port 103 that is servicing the mobile station 101. See Chow, Col. 16, lines 15-26.

The asserted combination of Holloway and Chow thus fails to disclose a unique identification allowing the wireless mobile device to selectively associate an alternate network destination address for receipt of external communication while the wireless mobile device is within the wireless beacon coverage area and when the unique identification matches an expected value, as recited in claim 36. Therefore, the asserted combination of Holloway and Chow fails to disclose or suggest at least one element of claim 37, at least by virtue of its dependency from claim 36. Thus, claim 37 is allowable.

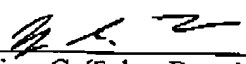
CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested or rendered obvious by the references applied in the Final Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of allowability of each of the claims now pending.

Applicant(s) does not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

4-10-2006
Date


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